



UNITED STATES DEPARTMENT OF COMMERCE

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of	:	
Nick Holt et al.	:	DECISION GRANTING
Application No. 08/938,468	:	PETITION
Filed: August 14, 1996	:	
Attorney Docket No. 669005.409C3	:	

This is a decision on the petition filed May 6, 1997, requesting that a continuation application under 37 CFR 1.60 based on prior application No. 08/334,616 be accorded a filing date of August 14, 1996.

On May 6, 1997, applicants filed a copy of an application entitled "METHOD AND SYSTEM FOR CUSTOMIZING FORMS IN AN ELECTRONIC MAIL SYSTEM" which applicants allege was filed in the Patent and Trademark Office (Office) on August 14, 1996. The papers supplied on May 6, 1997, included, inter alia, a copy of an application transmittal letter requesting a filing under 37 CFR 1.60 based on prior application No. 08/334,616; 24 pages of specification; a copy of an executed declaration under 37 CFR 1.63 (2 pages); 14 sheets of drawings containing Figures 1-14; and a copy of a postcard receipt bearing docket No. "669005.409C3" and acknowledging the filing in the Office on August 14, 1996, of a "Copy of Original Application" and a "Copy of Original Declaration."

The papers identified on the postcard receipt cannot be located in the Office. Therefore, it is clear that the papers deposited on August 14, 1996, were mishandled by the Office. Unfortunately, applicants failed to identify the number of pages of specification and drawings on their postcard receipt.

As set forth in MPEP 503:

The identifying data on the postcard should include:
(1) applicant's name(s); (2) title of invention; (3) number of pages of specification, claims (for nonprovisional applications), and sheets of drawing;
(4) whether oath or declaration included; (5) provisional application cover sheet; and (6) amount and manner of paying the fee.

A return postcard should be attached to each patent application for which a receipt is desired.

It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the Office.
(emphasis supplied)

The present petition contains the following statement over the signature of a registered practitioner:

Enclosed is a complete copy of the application as originally submitted

This is understood as a positive affirmation by the registered practitioner that the papers filed in the Office on May 6, 1997, are true copies of the original application papers shown by counsel's file to have been filed in the Office on August 14, 1996.

In view of the evidence presented, the petition to accord the application a filing date of August 14, 1996, is granted. The petition fee will be refunded.

Since the original application papers cannot be located in the Office, the duplicate application papers supplied on May 6, 1997, will be used for processing and examination purposes. The duplicate application papers have been assigned application No. 08/938,468.

Applicants should notify this office if the original papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

For future reference, a postcard receipt should specifically itemize the papers being filed, including the number of pages of specification, drawings and oath/declaration.

The application was filed on August 14, 1996, without the basic filing fee. Accordingly, the \$790.00 basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) are required.

Applicants are given TWO MONTH from the date of this decision to pay the \$790.00 basic filing fee and the \$130.00 surcharge in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to the attention of Initial Patent Examination Division.

The application is being forwarded to the Office of Finance for scheduling a refund of the \$130.00 petition fee.

The application will then be returned to Initial Patent Examination Division to awaits applicants' response and for further processing under 37 CFR 1.60, with a filing date of August 14, 1996, using the copy of the prior application supplied on May 6, 1997.



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